IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6084 OF 2002

Smt.Pulabai Dnyanoba Jadhav
and Ors. .. Petitioners

Versus

Kashinath Shinde and Anr. .. Respondents

Mr.Girish Godbole for petitioners
Mr.M.H.Solkar, A.G.P. for respondent No.2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : DECEMBER 16, 2004.

P.C.

. Maharashtra Revenue Tribunal by the impugned order has allowed the revision application preferred by Kashinath Shinde filed

against the decision of S.D.O. Maval being Tenancy Appeal No.21 of 1983. It appears that the tenancy case under section 32(g) was decided and the tenant became purchaser. The land in question was sold by him on 3rd November 1969. The sale is sought to be questioned by the heirs of the tenant on the ground that the same is effected without prior permission of the authorities under section 43 of the Tenancy Act. On this basis the application under section 84-C was filed seeking summary eviction of the persons in possession.

2. The view of the M.R.T. that after 17 long years, sale cannot be question on the ground of lack of permission under section 43 is in consonance with the law laid down by the Supreme Court in 1997 (6) SD.C.C. 71 which follows an earlier decision of the Supreme Court to the effect that when law prescribes no period of limitation the power has to be exercised within a

reasonable time. In the facts before the Supreme Court even a period of one year was considered to be unreasonable and unsatisfactory. In the instant case, relying upon this decision, the delay in question of 17 years can, by no stretch of imagination, be said to be reasonable. Consequently, there is no error in the order of the M.R.T. Petition is therefore dismissed.

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